

MURPHY CITY COUNCIL AGENDA
REGULAR CITY COUNCIL MEETING
MARCH 17, 2015 AT 6:00 P.M.
206 NORTH MURPHY ROAD
MURPHY, TEXAS 75094



Eric Barna
Mayor

Scott Bradley
Mayor Pro Tem

Owais Siddiqui
Deputy Mayor Pro Tem

Ben St. Clair
Councilmember

Betty Spraggins
Councilmember

Sarah Fincanon
Councilmember

Rob Thomas
Councilmember

James Fisher
City Manager

Susie Quinn
City Secretary

NOTICE is hereby given of a meeting of the City Council of the City of Murphy, Collin County, State of Texas, to be held on March 17, 2015 at Murphy City Hall for the purpose of considering the following items. The City Council of the City of Murphy, Texas, reserves the right to meet in closed session on any of the items listed below should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

1. CALL TO ORDER

2. INVOCATION & PLEDGE OF ALLEGIANCE

3. ROLL CALL & CERTIFICATION OF A QUORUM

4. PUBLIC COMMENTS

5. PRESENTATIONS

- A. Presentation of financial report and investment report as of February 28, 2015.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act upon the February 3, 2015 regular meeting minutes.
B. Consider and/or act upon the March 3, 2015 regular meeting minutes.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or act upon approval of a resolution authorizing the City Manager to enter into an agreement/contract with Wells Fargo Bank, N.A. to act as the City of Murphy's bank depository for three years with two one year extensions.
B. Discussion of FY 2015 Budget.
C. Consider and/or take action, if any, on City of Murphy side walk repair program.
D. Discussion regarding the 2015 Council Planning Session.

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
- B. Timbers Nature Preserve
- C. South Maxwell Creek Parallel Trunk Sewer Line

9. EXECUTIVE SESSION

The City Council will hold a closed Executive Session pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

- A. §551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School.

10. RECONVENTE INTO REGULAR SESSION

The City Council will reconvene into Regular Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, to take any action necessary regarding:

- A. §551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School.

D. Take Action on any Executive Session Items.

11. ADJOURNMENT

I certify that this is a true and correct copy of the Murphy City Council Meeting Agenda and that this notice was posted on the designated bulletin board at Murphy City Hall, 206 North Murphy Road, Murphy, Texas 75094; a place convenient and readily accessible to the public at all times, and said notice was posted on March 13, 2015 by 4:30 p.m. and will remain posted continuously for 72 hours prior to the scheduled meeting pursuant to Chapter 551 of the Texas Government Code.



Susie Quinn, TRMC
City Secretary

In compliance with the American with Disabilities Act, the City of Murphy will provide for reasonable accommodations for persons attending public meetings at City Hall. Requests for accommodations or interpretive services must be received at least 48 hours prior to the meeting. Please contact the City Secretary at 972.468.4011 or squinn@murphytx.org.

Notice of Possible Quorum: There may be a quorum of the Animal Shelter Advisory Committee, the Board of Adjustment, the Building and Fire Code Appeals Board, the Ethics Review Commission, the Murphy Community Development Corporation, the Murphy Municipal Development District Board, the Park and Recreation Board and/or the Planning and Zoning Commission members who may be present at the meeting, but they will not deliberate on any city or board business.

COUNCIL MINUTES
FEBRUARY 3, 2015 AT 6:00 P.M.

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm. Mayor Barna commented on the number of guests in attendance.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Kim McCranie, Deputy City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna

Mayor Pro Tem Scott Bradley

Deputy Mayor Pro Tem Owais Siddiqui

Councilmember Ben St. Clair

Councilmember Betty Nichols Spraggins

Councilmember Sarah Fincanon

Councilmember Rob Thomas

4. PUBLIC COMMENTS

Mark Williams, resident, representing the Exchange Club and the Murphy Chamber of Commerce, stated the American Flags will be flown on President's Day, February 16, 2015. They are to be flown in the area by the Fire Department. He requested volunteers to assist with placement of the flags between 7:00 am until 7:30 am and remove the flags between 5:00 pm and 5:30 pm. Channel 11 interviewed Mark Williams about the Crime Watch program. He thanked the police department for nominating him for the interview.

5. PRESENTATIONS

- A. Presentation of the Annual Traffic Contact Report for 2014 for the Murphy Police Department (also known as the Racial Profiling Report).

Chief Cox was not available for the meeting.

- B. Presentation of financial report and investment report as of December 31, 2014.

Finance Director Truitt stated the funds balance reflect over 23 million dollars due to the collection of property taxes and the 3 million dollars we received for the Certificates of Obligation for the Maxwell Creek Sewer line project. The interest rate continues at .10%, holding steady for the last 12 to 18 months; the Sales tax is increasing slightly. She mentioned that revenues are at 25% for the budget year. Franchise fees will be received in February-March time frame; permits and licenses have slowed because building has slowed down. Park revenue is slightly down. Expenditures are less than 25% but the bigger items have not been purchased as departments are waiting to make certain property taxes have been received. Utility funds are down due to less water usage. Sewer fund revenues are right on schedule. Expenditures for Utility funds are right at 20%. The formal quarterly investment report compared to last quarter reflects an increase in the cash balance of about 6.8 million dollars due to property taxes and the Certificates of Obligation.

Council asked about an updated last fiscal year actual report. Council will receive a draft audit at the February 17, 2015 meeting and then the auditors will be present March 3, 2015 to present the audit report.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider approval and/or corrections to the minutes of the January 20, 2015 Regular City Council Meeting.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the consent agenda as presented. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Hold a public hearing and consider and/or act on the application of the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1, generally located west of Heritage Parkway and north of FM 544; to remove platted building lines and establish the front building setback in accordance with the City's Ordinance No. 14-10-988, adopted by the City of Murphy on October 7, 2014.

In addition, as a part of the replat, the City is requesting a waiver of Section 70-132(a) of the Murphy Code of Ordinances requiring that monuments be set at the corner of each block within the Windy Hill Farms subdivision.

Deputy Mayor Pro Tem Siddiqui recused himself for this item. A conflict of interest was filed before the beginning of the meeting.

In October, 2014, Council approved Ordinance No. 14-10-988 to zone the subdivision which corrected zoning errors in Windy Hill Farms, Phase I. The zoning errors occurred back as far as 2000. The zoning now reflects what is on the ground (built) in the neighborhood. Extensive engineering was done. Now the city is the applicant and the property owners are the ones who need to sign in front of a notary to complete the final phase of this project.

City Engineer Gary Hendricks addressed the Council regarding the waiver of Section 70-132(a) of the Murphy Code of Ordinances. The original monuments were set in compliance with the Ordinance; however, if those original monuments were located now, there would be discrepancies that would create hardship for the owners.

Public hearing was opened at 6:18 pm. Since no one wished to be recognized to speak, the public hearing closed at 6:18 pm.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the application of the City of Murphy to replat the existing subdivision known as Windy Hill Farms – Phase 1 and the waiver of Section 70-132(a) as submitted. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 6 to 0. (Deputy Mayor Pro Tem Siddiqui was recused from this item.)

- B. Hold a public hearing and consider and/or act on the application of Ryan Betz requesting a change in zoning from SF-20 (Single Family 20 Residential) to a Planned Development (PD) District for Medical Office and Assisted Living Development including a Concept Plan and Planned Development District requirements on approximately 10.7 acres of property located southwest of FM 544 and Maxwell Creek. 18:49

Community Development Director Roberts briefed Council with the background on the property. For about six years the prior as well as the current owner has presented several proposals for the property. Numerous meetings have been held to try to determine the best use for the property. Adjustments have been made since the preliminary meeting with Council in October, 2014. Planning and Zoning Commission met and following a lengthy meeting, the Commission denied the request with a 4-2-1 vote. The applicant has visited with the residents on several occasions. Based on resident's comments, no retail, no 24-hour business will be allowed. Sidewalks are being proposed based upon citizens' feedback. Solid living screening would be used and would be irrigated. No parking headlights would breach any home owner's homes. Overhead lighting will be downward lighting only.

Ryan Betz, land owner/developer made a presentation to Council regarding the proposal. The property was purchased in January, 2014. The original plan was single family lay-outs to conform to the SF-20 zoning. The majority of the neighbors do not want the Oak Glenn Road to extend. He explained that some of the support has come from neighbors that do not want two story or two and half story homes built in the area. He took that into consideration and made those concessions. More sidewalks are now proposed. He explained that no retail higher than one-story will be built as a concession to the neighbors. A gate at Oak Glenn entrance with emergency access only is to be built in Tract 1. Continuing Care Residential Community is the type of residency he is proposing. The site plan will determine the location of the various units. The eight acres would allow for all stages of care for people 55 and above. He described the living screen areas. The two story building would be constructed on the interior with complete privacy for occupants as well as the neighbors. Growing demand for this type of style, lock and leave, will continue. Full amenities are provided. He discussed the concessions that he is making to the neighbors in the area.

Council asked several questions. Mr. Betz stated that SF-20 proposals have been prepared. He explained that they will include opening of Oak Glenn to through traffic, it will have two-story homes on the perimeter as well as interior. Internal sidewalks will be built but not connected to established trails as proposed above. Proposed improvements to Maxwell Creek Road will not occur if 18 lots are developed for homes to be built. Council reflected to Mr. Betz that the property is currently zoned SF-20 as it was when he purchased the property. Nothing has been presented to Planning and Zoning displaying a SF-20 format.

Mr. Betz introduced Kevin Spraggins, Engineer and Bob Ingram with Mohr Partners, both have Assisted Living backgrounds. The aging population numbers for this area were discussed with a

graph showing citizens fifty-five and above, additionally predicting the demographics for this age group in five years for a five mile radius.

Mayor Barna opened the public hearing at 7:00 pm. He explained that each person will be allowed 3 minutes and will only be recognized once during the evening.

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| Renee Collins, resident – opposed | David Smith, resident – opposed |
| John Daugherty, resident – opposed | Diane Waller, resident – opposed |
| John Doyle, resident – opposed | Diane Weyandt, resident – opposed |
| Mark Hanson, resident – opposed | Keith Huyck, resident – on the fence |
| Chris Koleber, resident – opposed | Don Kiertscher, resident – design issues |
| Celia Saunders, resident – opposed | Jennifer Berthiaume, resident – in favor |
| Larry Saunders, resident – opposed | Richie Earle, resident – in favor |

Summary of comments from the citizens opposing the development:

Too small an area for commercial; no walk-through in yards; wants housing only; demographics warranted for such; large housing lots are preferable-nothing commercial; no crime due to current traffic lay-outs; quality of life has changed due to traffic and retail; disturbing the quietness of the neighborhood; no apartment living; don't open Pandora's box; increased traffic in and out of the proposed facilities; decreasing property values; children at play in danger due to increased traffic; and not enough information received.

Summary of comments from the citizens in favor of the development:

Happy with the developer and his communication style; Mr. Betz has tried to meet the needs of the neighbors and in explaining that Oak Glenn will be an open thoroughfare if houses are built rather than a locked gated area accessible by police and fire only as currently proposed.

Summary of comments regarding on the fence and design issues:

The resident is concerned that as more and more of the property surrounding his becomes commercial zoning, that his home will eventually be surrounded and become a commercial property as well.

The design realignment of the interchange at South Maxwell Creek road and FM 544 should be addressed in future engineering drawings if the project moves forward. A minimum one stacking distance in the center lane was suggested.

Mayor Barna closed the public hearing at 7:33 pm.

Council made some comments regarding the development. The residents need to realize that the property will eventually be developed. The current zoning of SF-20 allows for two story homes as defined in the base zoning. Highest and best use of the property is what everyone wants and desires. The developer's concessions were discussed which included the live screening, the one story height of buildings around the perimeter, the locked gate on Oak Glenn for emergency egress and ingress only. Larger lots seem to be the desired build of the neighbors. Council will not be able to stop SF-20 building if that is what the developer wants to build. A builder might come in and propose SF-15.

Mr. Betz requested the item be withdrawn at this time. Mr. Betz was thanked by Council and staff for his willingness to visit with the neighbors and consider their wishes.

COUNCIL ACTION (7.B.):

NO ACTION

The applicant withdrew his proposal in writing, submitting a handwritten note.

- C. Consider and take appropriate action, if any, on the authorization to solicit bids for the Betsy Lane Widening and Drainage Improvements project from North Murphy Road to McCreary Road.

City Manager Fisher stated this item is to authorize the City Engineer to prepare the construction bid documents to widen Betsy Lane from North Murphy Road to McCreary Road and widen the bridge.

COUNCIL ACTION (7.C.):

APPROVED

Deputy Mayor Pro Tem Siddiqui moved to authorize the City Manager to solicit bids for the Betsy Lane Widening and Drainage Improvements project. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- D. Discuss and/or consider implementing community blog(s) and regulations relating thereto for the City of Murphy website blogs and video streaming broadcasts.

This item is a continuation of the December item presented before. Finding the proper balance is crucial on this item as it is between constitutional rights and offensive behavior on social media. This is new territory for all cities using websites, Facebook, twitter, etc. Allowing input from Council on community blog(s) is also new.

IT Manager Medford made a presentation to Council regarding the upcoming projects:

- City of Murphy Mobile Application, (released in February) which includes:
 - News Flash
 - City Calendar
 - Request Tracker
 - Staff Directory
 - City's Website
 - Notify Me
 - My Account
 - Search
 - Facebook
 - Twitter
 - You Tube
- Mindmixer Citizen Engagement Tool (to be released in March 2015)
- Financial Transparency Portal (to be released in March 2015)
- Murphy Community Blog (to be released in March 2015)
- Open Data & Performance Data Portal (to be released in April 2015)
- Video Streaming – Council Meetings (to be released in April 2015)

He mentioned about the recent spam attack that the city's email addresses have been receiving recently and the steps taken to correct the issue. City Manager Fisher publically thanked IT Manager Medford and Council was in total agreement.

- E. Discussion regarding the 2015 City Council Planning Session.

City Manager Fisher led this discussion. Council proposed Friday, March 20, 2015 after 5 pm and all day on Saturday, March 21, 2015. Staff needs to know what is important for Mayor and Council to discuss as soon as possible, so that supporting documentation can be gathered. The event will be held at the MCC, City Manager Fisher will facilitate. Thursday, March 19, 2015 will be an evening meeting to have a meal and be more informal in the discussion.

8. CITY MANAGER/STAFF REPORTS

- A. North Murphy Road Construction Update
City Manager Fisher stated various issues are being addressed.
- B. Boards and Commission Training to be held Saturday, February 7, 2015
Beginning at 9 am, Andy Messer will be representing the City Attorney's office.
- C. Collin County Days, March 2-3, 2015
Councilmembers Spraggins and Fincanon are attending. Staff members attending are Bernie Parker, Tina Stelnicki, Kristen Roberts, James Fisher and Susie Quinn.
- D. Timbers Nature Preserve
Timbers Nature Preserve project is running on schedule.
- F. South Maxwell Creek Parallel Trunk Sewer Line
This project is also running on time and preconstruction meetings will be scheduled soon.
- G. Safe Routes to school
Work has been suspended as we have not received the correct paperwork which delays reimbursement payment from the federal government to us and from us to the contractor.
- H. Trout Fishing Round-Up
The round-up is to be on Saturday, February 21, 2015 from 9:00 am and 11:30 am here at City Hall. As long as you are participating in the fishing during the times posted, a fishing license is not required. However, one is required prior to 9:00 am and after 11:30 am.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 8:16 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

COUNCIL MINUTES
REGULAR CITY COUNCIL MEETING
MARCH 3, 2015 AT 6:00 P.M.

1. CALL TO ORDER

Mayor Barna called the meeting to order at 6:00 pm.

2. INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Barna gave the invocation and led the Pledge of Allegiance to the United States flag.

3. ROLL CALL & CERTIFICATION OF A QUORUM

Kim McCranie, Deputy City Secretary, certified a quorum with the following Councilmembers present:

Mayor Eric Barna

Mayor Pro Tem Scott Bradley

Deputy Mayor Pro Tem Owais Siddiqui

Councilmember Ben St. Clair

Councilmember Betty Nichols Spraggins

Councilmember Sarah Fincanon

Councilmember Rob Thomas

4. PUBLIC COMMENTS

Ray Shahan, resident, expressed his views regarding Ordinance Number 03-10-590, also referenced as PD 03-10-590 and in his opinion it is unethical and immoral.

5. PRESENTATIONS

- A. Proclamation for North Texas Poison Center
The Mayor read the Proclamation.

6. CONSENT AGENDA

All consent agenda items are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests, in which event the item will be removed from the Consent Agenda and voted on separately.

- A. Consider and/or act upon the February 3, 2015 regular meeting minutes.

Staff requested these minutes be pulled from the consent agenda, as an error needs to be corrected. The February 3, 2015 minutes will be re-submitted for approval at the next meeting.

COUNCIL ACTION (6.A.):

APPROVED

Mayor Pro Tem Bradley moved to pull the February 3, 2015 regular meeting minutes from the consent agenda as presented. Councilmember St. Clair seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or act upon the February 17, 2015 regular meeting minutes.

COUNCIL ACTION (6.B.):

APPROVED

Mayor Pro Tem Bradley moved to approve the February 17, 2015 regular meeting minutes as presented. Councilmember Fincanon seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

7. INDIVIDUAL CONSIDERATION

- A. Consider and/or take action, if any, on the approval of the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2014.

Finance Director Linda Truitt introduced John Manning of Pattillo, Brown, & Hill, L.L.P. to present the Comprehensive Annual Financial Report for Fiscal Year ended in September 30, 2014. Ms. Truitt stated that for the 10th consecutive year the City has received the Certificate of Achievement of Excellence for Financial Reporting from the Government Finance Officers Associations and will be submitting the CAFR for the same award again this year. Ms. Truitt presented the following financial highlights from the report:

- Page 4 – General Fund Unassigned Fund Balance
- Page 7 – Net Assets
- Page 9 – Net Position
- Page 22 – General Fund Revenues & Expenditures vs Budget
- Page 61 – Debt Service Fund

Mr. Manning reported on the two reports associated with the CAFR. The unmodified opinion is the highest level of assurance the Auditors can offer on the numbers presented. The other report is in accordance with the Government Auditing Standards. They are both clean opinions.

Council asked about various deficiencies and how City of Murphy compares with other cities. Mr. Manning stated that the City of Murphy ranks highly in regards to the financial complexities Murphy has with issued debt and grant compliance in consideration of the size of Murphy. The CAFR should receive the financial reward again because of the good accounting records presented by staff.

COUNCIL ACTION (7.A.):

APPROVED

Mayor Pro Tem Bradley moved to approve the Comprehensive Annual Financial Report (CAFR) for the fiscal year ending September 30, 2014. Deputy Mayor Pro Tem Siddiqui seconded the motion. For: Unanimous. The motion carried by a vote of 7 to 0.

- B. Consider and/or take action, if any, on City of Murphy side walk repair program.

Public Services Director Bernie Parker presented a 23 page report explaining the 2015 Sidewalk Rehabilitation Program from the field verification and data as it relates to the sidewalk program. He presented a brief history regarding the program. Trip hazards, surface spalling, along with cross fall, and longitudinal dips were all rated on various sidewalks in each of the subdivisions throughout the City of Murphy. Costs for sidewalks are approximately \$85 per square yard. The report includes estimated costs which totals over \$400,000 with approximately \$275,000 allocated for repairs to sidewalks in the Timbers. Bids from three contractors are recommended to determine the best use of the \$50,000 budgeted. It is also recommended to concentrate the funds one subdivision at a time to get the best return on the funds. If a Community Improvement Committee is established, then staff would like to present to the committee the sidewalk issues. ADA compliance (wheelchair ramp access), was not reviewed, only the sidewalk issues.

Council presented questions regarding homeowners wanting to replace sidewalks and how that would work. It was explained that the homeowner would be given the contractor's name and they could work with the contractor directly. With the limited budget, what process would be used to determine what work would be accomplished? Mr. Parker answered that the contractor would be consulted to determine how to get the best bang for the buck. With over 7,000 linear feet needing to be addressed, the highest ranking sidewalks are currently in the Timbers and continued annual funding could take years before other subdivisions are considered. It was also discussed to work on the worst sidewalks throughout the City to offer relief until a time when perhaps a bond issue might be discussed to correct the sidewalk issues throughout town. Ground settling was discussed as one cause for the changes in the sidewalks. Reconstruction is the bigger plan rather than repairs to get the best use of the funding. The ranking for the worst sidewalks should drive the strategy for implementing the program even if the worst ones are all located in Timbers for this year.

COUNCIL ACTION (7.B.):

NO ACTION

C. Discussion of proposed Calloway's Nursery site development.

Community Development Director Kristen Roberts stated that the presentation had planned to be discussed by Planning and Zoning but their meeting was cancelled due to the ice. Several discussions have occurred regarding the area and the need to remove the trees. Landscaping by Calloway's Nursery will improve the area and they had planned to leave as many trees as possible but because of the location of the trees, there would not be many to remain. Pictures of other areas where Calloway's Nurseries have been built were shown. The current tree ordinance requires tree replacement with no payment in lieu of replanting trees which in this case will require a variance to the tree ordinance. Mr. John Cosby explained Calloway's interest in making the entry into Murphy a priority and added that most retailers do not have such interest. The trees are made up of about one third Hackberries, one third Elms and about a third Eastern Red Cedars. The Elms are the nicest looking of the trees in that area but they are not trees that are generally used as a part of landscaping. Calloway's will be requesting permission to remove all 700 trees at a future meeting.

Council discussed the lack of trees in Murphy. Calloway's would walk away from the site rather than create problems for the citizens of Murphy by removing the trees. The moving of the creek and the boring under the road is the main reason for the need to remove the trees. The low spot on the site is where the main building should be located. He addressed the need for building up the area for the development. Councilmembers mentioned that any retail development would require the backfilling of the property which will kill the trees. What better business to be built but a Nursery that will be selling trees and make the entry to the City of Murphy a well landscaped welcoming site. One option would be for the City to buy the property to leave it as a natural setting. If the ordinance is amended to require payment in lieu of new trees planted was also discussed. One suggestion was to supply trees for other areas of the City of Murphy to offset the removal of the 700 trees.

D. Discussion regarding the 2015 Council Planning Session.

City Manager James Fisher stated the item is on the agenda again to better try to prepare for the event to be held in the middle of March. Mr. Fisher asked Councilmember Thomas to explain his

ideas regarding the Planning Session. Councilmember Thomas explained how he sees the strategy session working. Starting the evening with all the participants together having a meal will allow for people to get to know one another better before the real work begins. Formalizing the strategic intents and then develop the operating model so that by the end of the event, there are lists of initiatives with owners and time lines, then it will be a good strategy session. Staff will be available to attend as much or as little as Council would like for them to attend. Preliminary plans are for everyone to be together on Thursday evening and then on Friday, a couple of hours with staff and a couple of hours without and then on Saturday, some more split time or attend the entire time. Council remarked that the suggested times should work well.

8. CITY MANAGER/STAFF REPORTS

A. North Murphy Road Construction Update

A meeting with TxDOT is scheduled to address completing the work and to address the HOA entrances due to all the sloping issues. The weather continues to be a problem.

B. Timbers Nature Preserve

Timbers Nature Preserve is still moving forward, the restrooms have been moved back further from the first house in the neighborhood and the cedar siding has been replaced with hardiplank siding as it is more fire resistant. The trail that runs along the creek is now on top to better establish the trail.

C. South Maxwell Creek Parallel Trunk Sewer Line

The right-of-way issues are almost resolved. The project is moving forward.

The Collin County Days was a good event, a good opportunity to share a unified voice about local control. Property tax and the possibility of changing caps were also discussed. Margin taxes for businesses will probably be lowered and/or abolished. The biggest concern is if taxes are appropriated differently and continue to be reduced then what methods will be used for future funding of these rearranged appropriations.

9. EXECUTIVE SESSION

The City Council convened into close Executive Session at 7:32 pm pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

Item 9.A. will not be discussed during Executive Session.

- A. §551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the

governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School.

10. RECONVENTE INTO REGULAR SESSION

The City Council reconvened into open session at 7:45 pm with the Mayor’s announcement that no action was taken in Executive Session, pursuant to the provisions of Chapter 551, Subchapter D, Texas Government Code, in accordance with the authority contained in:

Item 10.A. was not discussed during Executive Session.

- A. §551.087 Deliberation regarding economic development negotiations (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).
- B. §551.072 To deliberate the purchase, exchange, lease, or value of real property.
- C. §551.071 Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter in regard to Safe Routes to School.
- D. Take Action on any Executive Session Items.

COUNCIL ACTION (10.B., 10.C.)

NO ACTION

11. ADJOURNMENT

With no further business, the meeting was adjourned at 7:45 pm.

APPROVED BY:

Eric Barna, Mayor

ATTEST:

Susie Quinn, City Secretary

City Council
March 17, 2015

Issue

Consider and/or act upon approval of a resolution authorizing the City Manager to enter into an agreement/contract with Wells Fargo Bank, N.A. to act as the City of Murphy's bank depository for three years with two one year extensions.

Staff Resource/Department

Linda Truitt - Finance Director
Steven Ventura – Assistant Finance Director

Background/History

Per Section 7.17 for the City of Murphy's Charter: the City depositories shall be designated by the City Council in accordance with such regulations and subject to the requirements as to security for deposits and interest thereon as may be established by ordinance and law. The bank depository agreement with Wells Fargo Bank, N.A. expires on March 31, 2015. A Request for Professional Services for depository services was prepared and sent to Bank of America, BBVA Compass, Chase Bank, Wells Fargo Bank, N.A. and Woodforest National Bank, all banking institutions located in Murphy. We received a proposal from Wells Fargo Bank, N.A., and American National Bank of Texas, and no response from Bank of America, BBVA Compass, Chase Bank, or Woodforest National Bank. Staff has had conversations with American National Bank of Texas and Wells Fargo Bank regarding their proposal and staff is pleased with the interest rate and banking fees that are proposed by Wells Fargo Bank.

Financial Considerations

Wells Fargo will offer the City of Murphy 13.5 basis points on all interest bearing accounts-all of the City's bank accounts are interest bearing. The new contract will increase our banking fees, but will be offset by the Earnings Credit Rate (ECR) of .50% based on total funds held for the life of the contract.

Other Considerations

Wells Fargo has been the City's depository bank for over ten years. They have continually provided us with good customer service and have responded in our needs in a timely manner. While American National Bank of Texas offered some comparable products and competitive rates, they are still higher than those proposed by Wells Fargo. Although it is not required, Wells Fargo has a branch located within the City limits, which makes teller transactions easier, American National Bank locations would require staff to travel to Sachse, Wylie or Plano for deposits or other teller transactions. By continuing our relationship with Wells Fargo, the city will not experience any disruption or delay of payments to our vendors or employees. Wells Fargo has provided the City with the latest banking technology which allows the reduction of staff time in performing banking actives. The Federal Reserve will continue to serve as the Third Party Safekeeping/Clearing Agent for the collateral as required by the depository agreement.

Action Requested

Approval of resolution authorizing the City Manager to enter into an agreement/contract with Wells Fargo Bank, N.A. to act as the City of Murphy's bank depository for three years with two one year extensions.

Attachments

Resolution with Wells Fargo's proposal

RESOLUTION NO. 15-R-813

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, APPROVING A CONTRACT FOR DEPOSITORY BANK SERVICES WITH WELLS FARGO BANK; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO AND IN CONNECTION WITH THE DESIGNATION OF WELLS FARGO AS THE DEPOSITORY OF MUNICIPAL FUNDS FOR THE CITY OF MURPHY; AND DECLARING AN EFFECTIVE DATE OF APRIL 1, 2015.

WHEREAS, Chapter 105 of the Texas Local Government Code authorizes the City of Murphy to designate a depository of municipal funds; and

WHEREAS, the City has fully complied with the requirements of Chapter 105 of the Texas Local Government Code in the selection of a depository of municipal funds; and

WHEREAS, after the receipt of applications for the performance of depository services contracts from one or more banks, the City has determined that Wells Fargo should be designated as the City's depository of municipal funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURPHY, TEXAS, AS FOLLOWS:

SECTION 1. That the foregoing recitals are hereby found to be true and correct findings of the City of Murphy, Texas, and are fully incorporated into the body of this resolution.

SECTION 2. That the City authorizes and approves the contract, a copy of which is attached hereto as *Exhibit A*.

SECTION 3. That the City Council authorizes the City Manager to execute and deliver to Wells Fargo the necessary documents and any and all other such instruments, documents, or papers necessary and advisable for the designation of Wells Fargo as the depository of municipal funds.

SECTION 4. That this Resolution was approved by the Murphy City Council at a City Council meeting duly posted in accordance with the Texas Open Meeting Act and at which a quorum was present and voting.

SECTION 5. That this resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Murphy, Texas, on this the 17th day of March, 2015.

Eric Barna, Mayor
City of Murphy

ATTEST:

Susie Quinn, City Secretary
City of Murphy

APPROVED AS TO FORM AND LEGALITY:

Wm. Andrew Messer, City Attorney
City of Murphy

Exhibit A

**City Council Meeting
March 17, 2015**

Issue

Discussion of FY 2015 Budget.

Staff Resource/Department

James Fisher – City Manager
Linda Truitt – Finance Director

Financial Considerations

N/A

Summary

James Fisher, City Manager and Linda Truitt, Finance Director will be presenting an update on the FY 2015 budget at the March 17, 2015 council meeting. We will be reviewing the revenues and the expenditures (budgeted and unbudgeted) of the general and utility funds in conjunction with the audited FY 2014 actuals.

Action Requested

N/A

Attachments

N/A

**City Council Meeting
March 17, 2015**

Issue

Consider and/or take action, if any, on City of Murphy side walk repair program.

Staff Resource/Department

Bernie Parker, Director of Public Services

Summary

Reporting on field verification data as it relates to the sidewalk repair program.

Background/History

At the October 14, 2014, meeting, Council approved Ordinance 14-10-990 amending Chapter 66, Article V Sidewalks, and Section 66-82 of the City of Murphy Code of Ordinances.

At the City Council meeting on December 2, Public Works Department presented that staff had estimated through windshield surveys, repair requests and onsite visits, there are approximately 554 locations in residential developments that are in need of repair, replacement and/or reconstruction. These locations equate to about 1863 sections. A section equals approximately 24 square feet. Staff is proposing utilizing the approved criteria in order to identify the integrity of sidewalks in Murphy's residential subdivisions. The approved criteria will enable staff to prioritize repairs, replacement and/or reconstruction of the sidewalks listed in the report generated by public works staff.

Action

Staff is recommending selecting a group of sidewalks within one area to maximize the budgeted money for this project. Once this selection process is completed staff recommends seeking proposals from three different construction agencies to perform the work.

Staff is recommending spending forty to forty five thousand dollars on repairs and reconstruction of the allocated fifty thousand dollars for sidewalk repairs in the 2015 budget.

Attachments

Staff is preparing a PowerPoint presentation.

**City Council Meeting
March 17, 2015**

Issue

Discussion regarding the 2015 Council Planning Session.

Staff Resource/Department

James Fisher, City Manager

Summary

The City Council is scheduled to meet on Thursday, March 19th at 6:30 pm for dinner to begin the 2015 City Council Planning Session. We will resume on Friday, March 20th at 3 pm in the Activity Center, recess at 7 pm and continue Saturday, March 21st from 9 am until 2 pm. These sessions will give us the opportunity to develop a solid plan for the City to follow the next three to five years. As Lewis Carroll wrote in Alice in Wonderland, "If you don't know where you are going, any road will get you there." The City staff has been working off Roadmaps to Greatness for the last five years, with an annual review prior to budget preparation. In order to ensure we are on the same road as the City Council, it is imperative that a new Roadmap is implemented. I would like to challenge City Council to come up with one to three critical questions that can be discussed at the Planning Sessions. These questions will serve as the road foundation as we look forward to determine what type of city we want to be, what it will take to get there, how we will get there, what we will look like and what are the costs involved to develop and maintain this roadmap.

Action Requested

Discussion only at this time